

MINUTES

PLANNING BOARD

The Powell County Planning Board met in a regular session on Thursday, February 11th, 2020 at 1 PM.

Members Present: Bill Pierce, Justin Williams, Tracy Manley, Rick Hirsch, Randy Mannix, John Beck, John Hollenback, & John Wagner

Members Absent: Earl Hall

Staff: Scott Hazelton, Ann O'Toole & Kathryn McEnery

Public: None

President Hirsch called the regular meeting to order at 1:07 PM.

Agenda Item #1 – Attendance

With eight members being present, a quorum was established.

President Hirsch was nominated by Member Hollenback to remain as President. Member Pierce seconded and the motion passed unanimously for President Hirsch to serve another term.

Agenda Item #2 Approval of Agenda

The Board made no changes to the Agenda and approved unanimously.

Agenda Item #3 – Approval of Minutes

The minutes were discussed with an alteration from Member Pierce. The alteration was to add a road description to the Spotted Dog project.

Agenda Item #4 – Non-Public Hearings

Kamps Boundary Relocation

Mr. Hazelton presented the proposed boundary relocation of Mr. Steve Kamps who was in attendance. The relocation would create parcels that were in conformance with the appropriate zoning district. Mr. Kamps stated that the reasoning for the boundary relocation was estate planning. Mr. Kamps also provided the department with a letter from Kevin Ertel, the conservation manager for Fish Wildlife and Parks, stating that the boundary relocation was allowed. This was needed because the parcels fall into a conservation easement.

There was discussion of further subdivision and Mr. Kamps answered board questions about the portions of the parcel that are out of the conservation easement and future plans.

President Hirsch asked for a vote on the proposed boundary relocation the vote passed 7-1 with Member Manley opposing.

Agenda Item #5 – Public Hearings

Howard Hochstetler Minor Subdivision

President Hirsch opened the hearing and explained the procedures that the Board would follow. President Hirsch explained that the hearing had been noticed twice in the Silver State Post on January 27th and February 3rd. President Hirsch asked Mr. Hazelton to provide his report.

Mr. Hazelton gave a brief description of the project, which included a road variance request from Mr. Hochstetler to exempt Griffin Hollow Lane from county road standards. Mr. Hazelton also stated that there had been one inquiry from Thomas Hogan regarding use of the property and light pollution. Mr. Hazelton stated that a minor subdivision was required because the parcel had been previously subdivided. The proposed subdivision would comply with the appropriate zoning.

Mr. Jared Lay, of J-T Engineering, and Mr. Howard Hochstetler answered questions from the board. Mr. Lay claimed that Griffin Hollow Lane is a public road. This is incorrect as the Griffin Hollow Lane is a private road with public access.

Members of the board asked about the proposed use of the parcel.

Mr. Hochstetler stated that the parcel is being split so that his son could own the land and existing house that he lives on.

There were no public comments.

Member Hollenback moved that *the* minor subdivision application be accepted with the proposed conditions of the Planning Department. The motion was seconded by Member Wagner. The board voted to approve the application 8-0.

Rock Creek Cattle Company (RCCC) Amended Plat Meinhardt

President Hirsch opened the hearing and explained the procedures that the Board would follow. President Hirsch explained that the hearing had been noticed twice in the Silver State Post on January 27th and February 3rd. President Hirsch asked Mr. Hazelton to provide his report.

Mr. Hazelton gave a brief description of the project, which included the aggregation of 3 lots into a single lot. Mr. Hazelton explained that the proposal complied with all of the requirements of the County Zoning Regulations and that the lots were within the RCCC PUD. There was no addition of new lots from this proposal, only aggregating and resizing of existing lots.

Mike Stenberg of Hyalite Engineering, who represents RCCC, fielded questions from the Planning Board. Also supporting the RCCC application was Mark Linehan, Member of RCCC Development Committee, and Sarah Johnson, PE with Hyalite Engineering.

Member Manley asked the RCCC representation about the septic system of the proposed lots. Mr. Stenberg responded that the lots are currently connected to a community sewer system.

Member Mannix asked if the lots would be created from the set aside. Mr. Stenberg responded that the lots were preexisting and the aggregation would incorporate parts of the open space, due to the space in between the existing lots being technically part of the open space set aside.

Member Williams asked the RCCC representatives if the lots were residential. Mr. Stenberg responded that the lots are residential.

There were no public comments.

Member Manley moved that the amended plat application be recommended for approval to the County Commissioners with the proposed conditions of the Planning Department. The motion was seconded by Member Pierce. The board voted to recommend the application for approval 8-0.

Rock Creek Cattle Company (RCCC) Amended Plat Johnson

President Hirsch open the hearing and explained the procedures that the Board would follow. President Hirsch explained that the hearing had been noticed twice in the Silver State Post on January 27th and February 3rd. President Hirsch asked Mr. Hazelton to provide his report.

Mr. Hazelton gave a brief description of the project, which consist of the aggregation of two lots and a portion of the set aside into one lot by the Johnson Family. Mr. Hazelton explained that the proposal complied with all of the requirements of the County Zoning Regulations and was within the RCCC PUD.

Mike Stenberg of Hyalite Engineering, agent for RCCC, provided a history of the lots and fielded questions from the Planning Board. Also supporting the RCCC application was Mark Linehan and Sarah Johnson.

Member Mannix asked about preexisting buildings. Mr. Stenberg stated that after aggregation that there would be two buildings on the one parcel. Member Mannix asked Mr. Hazelton if this application should be considered as a CUP. Mr. Hazelton stated that since the buildings were preexisting a CUP was unnecessary and that this case seemed unique.

There were no comments from the public.

Vice President Pierce made a motion that the board recommend approval to the County Commissioners with staff recommendations. Member Manley seconded and the application was recommended for approval unanimously (8-0).

Rock Creek Cattle Company (RCCC) Amended Plat Lot 85

President Hirsch open the hearing and explained the procedures that the Board would follow. President Hirsch explained that the hearing had been noticed twice in the Silver State Post on January 27th and February 3rd. President Hirsch asked Mr. Hazelton to provide his report.

Mr. Hazelton gave a brief description of the project, which consist of the extension of Lot 85. Mr. Hazelton explained that the proposal complied with all of the requirements of the County Zoning Regulations and was within the RCCC PUD.

Mike Stenberg of Hyalite Engineering, agent for RCCC, provided a history of the lots and fielded questions from the Planning Board. Also supporting the RCCC application was Mark Linehan and Sarah Johnson.

Member Beck asked why this was necessary. Mr. Stenberg stated that the expansion was for better a viewshed and to incorporate the lots drainfield. The land being added is currently not platted.

There were no comments from the public.

Vice President Pierce made a motion that the board recommend approval to the County Commissioners with staff recommendations. Member Manley seconded and the application was recommended for approval unanimously (8-0).

Rock Creek Cattle Company (RCCC) Amended Plat Phase 3

President Hirsch open the hearing and explained the procedures that the Board would follow. President Hirsch explained that the hearing had been noticed twice in the Silver State Post on January 27th and February 3rd.

President Hirsch asked Mr. Hazelton to provide his report.

Mr. Hazelton gave a brief description of the project, which consist of the aggregation of 22 lots to 15 lots. These aggregations will increase the acreage of the set aside and “clean up” the layout of other lots in the PUD. Mr. Hazelton explained that the proposal complied with all of the requirements of the County Zoning Regulations and was within the RCCC PUD.

Mike Stenberg of Hyalite Engineering, agent for RCCC, provided a history of the lots and fielded questions from the Planning Board. Also supporting the RCCC application was Mark Linehan and Sarah Johnson.

Member Beck asked why this was occurring now. Mr. Stenberg stated that recent activity at the ranch precipitated needing lots for sale. Mr. Linehan stated that the original layout of the parcels had created some that were unsellable and unbuildable so this aggregation would assist with facilitating the sale of the buildable parcels.

There were no comments from the public.

Member Manley made a motion that the board recommend approval to the County Commissioners with staff recommendations. Member Williams seconded and the application was recommended for approval unanimously (8-0).

Rock Creek Cattle Company (RCCC) Major Subdivision Phase 6

President Hirsch open the hearing and explained the procedures that the Board would follow. President Hirsch explained that the hearing had been noticed twice in the Silver State Post on January 27th and February 3rd.

President Hirsch asked Mr. Hazelton to provide his report.

Mr. Hazelton provided a brief description of the project, which consists of creating 13 new parcels in Phase 6 of RCCC PUD. Mr. Hazelton also stated that the plans have been reviewed by the Tri-County Sanitarian, Chad Lanes, and that he has stated that the review will be handled by DEQ.

Mike Stenberg of Hyalite Engineering, who represents RCCC, fielded questions from the Planning Board. Also supporting the RCCC application was Mark Linehan and Sarah Johnson.

There was discussion about the RCCC variance request that accompanies this application. It was stated the variance is heard by the county commissioners and is needed as the extension of the road was beyond what the county normally allows for a dead end road, in this case a cul-de-sac.

Member Pierce asked about the fee in lieu of parkland payments. Mr. Stenberg answered that some developers decide to keep the parkland as an amenity in some cases.

There were no public comments.

Vice President Pierce moved to recommend approval to the County Commissioners with staff's recommended conditions. Member Manley seconded and the motion passed 8-0.

Agenda Item #6 – Continued or Tabled Business

None

Agenda Item #7 – Planning Board Comments

Member Hollenback asked about a parcel of ground in the Gold Creek area. There is some discussion about what is a usable piece of ground when traversed by a county road. Member Wagner asked about the meat locker in Garrison.

Agenda Item #8 – Staff Comments

Mr. Hazelton discussed the After-the-Fact Fine that is on the Powell County Fee Schedule. Greater enforcement of the fee will be a goal of the department moving forward. Vice President Pierce suggested that a redesign of the website and a table of contents is needed to aid developers and the public in their job.

The County Attorney explained her work on the Old Yellowstone Trail project related to the County road going from Washington Street in Deer Lodge, through Grant-Kohrs NHS and into the Rock Creek Cattle Company Ranch. The County Attorney said she would keep the Board in the loop as her work progressed.

The County Attorney also provided the board an update on the Spotted Dog road ownership project. The County Attorney stated that the county is drafting a letter to be submitted to a District Court judge regarding the road, as by Montana State Law, District Court shall make the decision on the road.

Agenda Item #9 – Public Comments

None

Agenda Item #10 – Announcement of the September Meeting

Mr. Hazelton stated that there would most likely not be a March meeting unless an application was submitted by the following Friday, February 19th.

Agenda Item #11 – Adjourn

President Hirsch adjourned the meeting at 4:04 PM.

Respectfully Submitted,
Scott Hazelton
Powell County Planning Director

President Rick Hirsch

Date